

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

NETLIST, INC,

Plaintiff,

vs.

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA,
INC., SAMSUNG SEMICONDUCTOR,
INC.,

Defendants.

Civil Action No. 2:21-CV-463-JRG

JURY TRIAL DEMANDED

NETLIST, INC.'S OPPOSED MOTION TO WITHDRAW DKT. 563

Plaintiff Netlist, Inc. (“Netlist”) respectfully moves to withdraw without prejudice Netlist’s Motion for an Ongoing Royalty, Dkt. No. 563. At this stage, the PTAB has found each of the patents addressed by the jury’s verdict not patentable in Final Written Decisions. Those FWDs are being appealed. Samsung’s ongoing infringement of the patents-in-suit can be addressed following the parties’ appeals of this verdict and of the PTAB’s decisions to the Federal Circuit. Netlist does not waive its right to seek an ongoing royalty, but rather seeks permission from this Court to refile the motion for an ongoing royalty following the resolution of all Federal Circuit appeals, in accordance with this Court’s holdings that ongoing royalties may be sought post-judgment. *Genband US LLC v. Metaswitch Networks Corp.*, 2018 WL 11357619 (E.D. Tex. March 22, 2018) (Gilstrap, J.) (granting post-judgment ongoing royalty where plaintiff “consistently sought compensatory royalties for all infringing activity.”).

As such, there is only one post-trial motion left to resolve relating solely to the jury’s verdict, and it is ready for resolution. Dkt. 561.

Dated: May 29, 2024

Respectfully submitted,

/s/ Jason Sheasby

Jason G. Sheasby

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Attorneys for Plaintiff Netlist, Inc.

CERTIFICATE OF SERVICE

I hereby certify that, on May 29, 2024, a copy of the foregoing was served to all counsel

of record via the Court's ECF system.

/s/ Andrew Henderson
Andrew Henderson

CERTIFICATE OF CONFERENCE

Counsel for the parties met and conferred on the subject matter of this motion and counsel for Samsung indicated that Samsung opposed the motion.

/s/ Andrew Strabone
Andrew Strabone